



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MAR 29 2005

VIA FIRST CLASS MAIL

Stephanie Summers-O'Neal
5472 Hanging Moss Rd.
Jackson, MS 39206

RE: MUR 5432

Dear Ms. Summers-O'Neal:

On March 24, 2005, the Federal Election Commission accepted the signed conciliation agreement and civil penalty you submitted on behalf of Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, in her official capacity as treasurer, your principal campaign committee, in settlement of a violation of 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. In your letter of March 16, 2005, you indicated that you will send us the civil penalty check by April 15, 2005. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Dominique Dillenseger".

Dominique Dillenseger
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stephanie Summers-O'Neal for U.S. Congress and) MUR 5432
Deborah J. Thornton, in her official capacity)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Bennie G. Thompson. The Federal Election Commission ("Commission") found reason to believe that Respondents Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, in her official capacity as treasurer, violated 2 U.S.C. § 441d.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

Parties

1. Stephanie Summers-O'Neal was a candidate in the 2004 election for Mississippi's Second Congressional District.



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2. Stephanie Summers-O'Neal for U.S. Congress ("the Committee") was Stephanie Summers-O'Neal's principal campaign committee in the 2004 election for Mississippi's Second Congressional District.

3. Deborah J. Thornton is the treasurer of Stephanie Summers-O'Neal for U.S. Congress.

Facts

4. During the period preceding the 2004 primary election, Stephanie Summers-O'Neal for U.S. Congress ran television and radio advertisements introducing Stephanie Summers-O'Neal to the voters. The advertisements contain a statement that the advertisement is paid for by the Committee and show the candidate speaking. The candidate also identifies herself but does not state that she has approved the communication. In addition, there is no written statement at the end of the television advertisement that identifies the candidate and states the candidate has approved the communication.

5. The advertisements ran in the Jackson, Mississippi metropolitan area in the three days preceding the March 9, 2004, primary election, airing 12 times on the WFMN radio station, 15 times on the WAPT television station, and 6 times on the WABG television station. Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, as treasurer, spent \$3,950 for the advertisements (\$700 for production, \$360 for radio, and \$2,890 for television).

Applicable Law

6. The Federal Election Campaign Act of 1971, as amended, requires that radio and television communications paid for or authorized by a candidate's principal campaign committee, include, *inter alia*, an audio statement by the candidate that identifies the candidate

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and states that the candidate has approved the communication. 2 U.S.C. § 441d(d)(1); 11 C.F.R. § 110.11(c)(3). In television communications, the audio statement must be conveyed by either an unobscured, full-screen view of the candidate making the statement, or the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate. 2 U.S.C. § 441d(d)(1)(B)(i); 11 C.F.R. § 110.11(c)(3)(ii). The statement must also appear in writing at the end of the television communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least four seconds. 2 U.S.C. § 441d(d)(1)(B)(ii); 11 C.F.R. § 110.11(c)(3)(iii).

Violations

V. Respondents Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, in her official capacity as treasurer, failed to include the required candidate statements in the radio and television advertisements in violation of 2 U.S.C. § 441d. Respondents will cease and desist from violating 2 U.S.C. § 441d.

Civil Penalty

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand dollars (\$1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

Other Provisions

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

SS

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

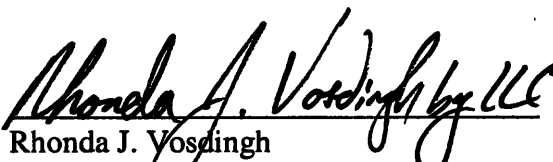
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

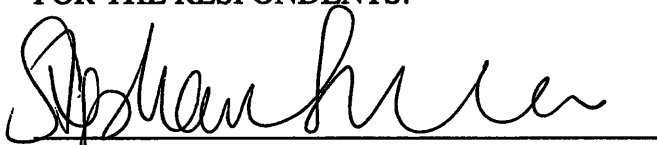
Lawrence H. Norton
General Counsel

BY:


Rhonda J. Vosdinger
Associate General Counsel
for Enforcement

3/26/05
Date

FOR THE RESPONDENTS:


(Name)
(Position)

3-16-05
Date



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